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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,663	07/19/2006	Shunpei Yamazaki	740756-2990	7342
22204 7590 09/28/2010 NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			EXAMINER ESTRADA, MICHELLE	
			ART UNIT 2823	PAPER NUMBER
			MAIL DATE 09/28/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/586,663

**Applicant(s)**

YAMAZAKI ET AL.

**Examiner**

Michelle Estrada

**Art Unit**

2823

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 1, 2, 7, 8 and 27-31 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-6 and 9-14 is/are allowed.
- 6) ☒ Claim(s) 15, 19, 20, 22 and 23 is/are rejected.
- 7) ☒ Claim(s) 4-6, 10-14, 16-18 and 24- 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7/19/06, 4/5/10
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of the third species (Claims 3-6, 9-14 and 26) in the reply filed on 7/14/10 is acknowledged. The traversal is on the ground(s) that the sixth species encompasses a broader aspect of the invention where the second film pattern is not defined. Claim 15 should be generic to all species. This is found persuasive after a second review by the Examiner, therefore claims 3-6 and 9-26 are examined as below.

### ***Claim Objections***

2. Claims 4-6, 10-14 and 26 are objected to because of the following informalities:
3. Claims 4-6 depend on claims 1 to 2 which are withdrawn.
4. Claims 10-14 depend on claims 7 to 8 which are withdrawn.
5. Claim 26 depends on claims 1 or 2 which are withdrawn.
6. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 15, 19, 20, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osamu et al. (JP-2002313226) in view of Tsugio et al. (JP-11254237).

9. Re claim 15, Osamu et al. disclose forming a semiconductor film, forming a photosensitive material over the first film pattern; forming a mask pattern by irradiating a region where the first film pattern and the photosensitive material are overlapped with a laser beam and by developing; and forming a second film pattern having a desired shape by etching the first film pattern using the mask pattern as a mask (Fig. 1 and abstract).

10. Osamu et al. does not disclose forming the first film pattern by a droplet discharge method.

11. Tsugio et al. disclose forming the first film pattern by a droplet discharge method (Abstract and Fig. 4a).

12. It would have been within the scope of one of ordinary skill in the art to combine the teachings of Osamu et al. and Tsugio et al. to enable the first film formation step of Osamu et al. to be performed according to the teachings of Tsugio et al. because one of ordinary skill in the art would have been motivated to look to alternative suitable methods of performing the disclosed first film formation step of Osamu et al. and art recognized suitability for an intended purpose has been recognized to be motivation to combine. See MPEP 2144.07.

13. Re claim 19, Osamu et al. disclose wherein the first film pattern is a conductive film.

14. Re claim 20, Osamu et al. disclose wherein the second film pattern is at least one of a gate electrode, a source electrode, or a drain electrode.
15. Re claim 22, Osamu et al. disclose wherein the third film pattern is a wiring.
16. Re claim 23, Osamu et al. disclose wherein the first film pattern is a semiconductor film.

#### ***Allowable Subject Matter***

17. Claims 3-6 and 9-14 are allowed.
18. Claims 16-18, 21 and 24-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Estrada whose telephone number is 571-272-1858. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Smith can be reached on 571-272-1907. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michelle Estrada/  
Primary Examiner, Art Unit 2823

ME  
September 23, 2010